



DATE: July 31, 2012

APPROVED
BY:

fw3

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
July 31, 2012**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 5:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Morse, Schaedlich, Siegel, Welch (Alt. for Aufuldish), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Myers.

MINUTES

The following corrections were to be made to the June 26, 2012 public hearing minutes:

- On page 2 of the public hearing, the 6th paragraph, add an "s" to the word deletion.

Mr. Zondag moved and Mr. Morse seconded the motion to approve the June 26, 2012 public hearing minutes as revised.

Eight voted "Aye".
Mr. Siegel abstained.

The following corrections were suggested to be made to the June 26, 2012 regular meeting minutes:

- On page 4, Roll Call, add Mr. Smith's name as the alternate for Mr. Sines.
- On page 5, last paragraph in the regular minutes, show Summerwood located south of Route 608, not Route 86.
- On page 6, fifth paragraph, in the regular minutes, eliminate the word "be" after development.

Mr. Schaedlich moved and Mr. Zondag seconded the motion to approve the June 26, 2012 public hearing and regular meeting minutes with the above changes.

Eight voted "Aye".
Mr. Siegel abstained.

FINANCIAL REPORT

June 2012 Financial Report

Mr. Boyd pointed out that the half-year report on the June 2012 Financial Report shows the appropriations as being 50.4% used, which was right where it should be.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to accept the June, 2012 Financial Report.

All voted "Aye".
Motion Carried.

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Executive Session Rule Changes by OAG

Joshua Horacek, Assistant Prosecuting Attorney, said that the Ohio Attorney General's office recently issued an opinion reiterating some of the requirements for executive session. When going into executive session, the Planning Commission will need to be more specific than just saying personnel issues, such as adding the word(s) changes in personnel, hiring new personnel, reorganization or disciplinary issues relating to personnel. This body will need to be more specific than just stating the topics listed in the ORC when going into executive session.

Mr. Horacek stated a roll call vote must be taken when going into an executive session.

After some discussion, it was established that members could contact either Mr. Horacek or Mr. O'Donnell at the Prosecutor's Office, anytime prior to a meeting when it is known that an executive session will be called to determine the correct terminology to use. Mr. Horacek suggested that this terminology be made part of the motion to go into executive session.

Kimball Estates Update

Mr. Horacek reported that the Kimball Estates situation has been worked out although no work has been completed on it at this point. The Hamilton Brothers, the developers, ran into a problem with the property owners because the properties are actually owned by another corporation. The Hamilton Brothers said they were not going to be granted an easement for the new storm sewer. However, as of yesterday, George Hadden of the Engineer's Office had talked to one of the other people involved with the corporation that owns the properties who said they would be willing to explore getting an easement for that. That being said, Mr. Hadden is setting up another meeting with the Hamiltons hoping the easement issues will be worked out by that time. It would be in the interest of the property owners to grant easements and get the drainage system put in because otherwise the property owners themselves may be liable when this comes to litigation to put in the storm sewer. It

would behoove them to let the Hamiltons do it if it is done correctly. There will be an inspector from the County Engineer's Office onsite when the work is being performed.

The Prosecutor's Office sent a letter to the Hamiltons several weeks ago indicating that they had until August 31 before formal legal action would be taken. They seem very willing to get this done as soon as the easement issues are resolved. He said one of the proposals was to run the pipe into the nursery, but he knew the property owner was not interested in that solution. He passed around a copy of the proposed plans. These plans are not finalized.

Mr. Zondag was concerned that an inspector would be onsite when the work is being done. Mr. Horacek said the Engineer's office said an inspector would be there.

DIRECTOR'S REPORT

Mr. Boyd said this would be his last official meeting as Director and Secretary since his new position as County Administrator begins on August 6. He and Mr. Margolis interviewed candidates today and two of those people he considered a good fit for the Community Development Block Grant position out of about 40 applications received.

Mr. Boyd will still be in contact with everyone in the office almost every day as they continue to push the CDBG initiative and pay invoices. The five-year consolidated plan is basically finished and should be going in the mail, hopefully, Thursday. He thanked everyone and said he is looking forward to continue working with everyone.

ANNOUNCEMENT

NE Ohio Planning & Zoning Workshop

Mr. Radachy stated that the participant evaluations scored high on the speakers and topics at the APA NE Ohio Planning & Zoning Workshop held on June 22, 2012. The workshop made about \$150. The number of registrants was down this year to about 108 as compared to about 160 last year. Budgets are tight and people are unable to travel as much.

SUBDIVISION REVIEW

Mr. Radachy stated there were no subdivisions this month and there was nothing to report on subdivision activity. He had checked on a few properties concerning ownership issues.

LAND USE AND ZONING REVIEW

Mr. Radachy said there were no submittals for review.

Land Use and Zoning Committee

Two LeRoy Township members were up for reappointment. These two members are Jeff Kenyon, who has been on the Committee for four years, and Evelyn Ross, who has been on the Committee since 1996. Mr. Radachy had the letters ready for the Chair's signature if she approved the reappointments. The LeRoy Township Trustees recommended they be reappointed and the members themselves wished to continue.

REPORTS OF SPECIAL COMMITTEES

There was no report.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Memorandum of Understanding

Mr. Boyd said the Memorandum of Understanding (MOU) was ready to go without objection from the Board. It has been circulated to the Board members for the last couple of months, needs to be signed by Ms. Hausch as the Chair and then introduced to the Board of Lake County Commissioners in the next week or two. There will be new logos because of the office name change and that kind of thing. Mr. Boyd said he had talked to the Commissioners about the MOU and it has not changed from the initial draft that the Transition Committee put together over a year ago with the help of Pat Nocero, Assistant Prosecutor.

Mr. Schaedlich moved to authorize the Chair to sign the Memorandum of Understanding and Mr. Welch seconded the motion.

All voted "Aye".

NEW BUSINESS

New Secretary to be Elected

This month or next month, at the Board's discretion, a new Secretary will need to be elected. The Bylaws clearly indicate that the Secretary can be a member of the Board or someone else. Historically, the Director has been elected to the position of Secretary. As Mr. Radachy will still be doing staff presentations, it was Mr. Boyd's recommendation that a Board member should serve in this capacity.

Mr. Radachy stated another reason was that, in doing subdivision reviews, being Secretary would give him the power to sign off on the plat. He thought it would behoove the board to have a second person to review the plat with him. The current procedure is, when the plat is ready to go, Mr. Radachy would pull out the letter of stipulations that the Board had placed onto the plat and review them with Mr. Boyd before he signed the plat.

Mr. Siegel nominated Mr. Schaedlich for the office of Secretary. Mr. Zondag seconded the nomination.

Mr. Schaedlich accepted the nomination. No other nominations were made.

Mr. Zondag moved that the nominations be closed and moved for a unanimous ballot. Mr. Siegel seconded the motion.

All voted "Aye".

Interim Director Authorizations

Mr. Boyd discussed the Interim Director signing responsibilities with Mr. Radachy earlier. It was thought to be necessary to have a motion and a second authorizing Mr. Radachy to sign the pertinent office transactions including approval of the minor subdivisions, which are lot splits, lot line adjustments, etc. He stated that the Lake County Planning Commission shall approve or disapprove minor subdivisions or an agent designated herein. This way it would be of record that the Interim Director was given the authority to do so along with the approval of expenses up to \$2,500 as stated in our Bylaws.

Mr. Zondag moved and Mr. Siegel seconded authorizing the Interim Director, David Radachy, to be able to sign all pertinent office transactions including approval of the minor subdivisions and the approval of office expenses up to \$2,500 as stated in the Bylaws.

Mr. Radachy explained that on minor subdivisions, the law says approval could be done by an agent of the Board. He stated the wording in the motion allowed him to sign off on everything. He asked to have the two separated, daily office approvals, etc. and then one naming staff of the Office of Planning and Community Development to act as your agent so that it would not just be Mr. Radachy who would be able to sign off on the minor subdivisions, but would also include whoever is brought in later. Mr. Boyd reiterated that the planning staff of the new Office of Planning and Community Development will act as the agent or designee for minor subdivision transactions and approvals.

Mr. Zondag moved to amend the motion to include the above as stated by Mr. Radachy. Mr. Morse seconded the motion.

All voted "Aye".

Resolution for Jason W. Boyd

Chair Hausch presented a Resolution of Appreciation to Jason W. Boyd for his services. It read as follows:

Resolution of Appreciation for Jason W. Boyd

WHEREAS, Jason W. Boyd faithfully began serving the Lake County Planning Commission as Staff Planner on July 3, 2000, was promoted to Senior Planner on May 6, 2002 , and became the Lake

County Planning Commission Director and Lake County Planning Commission Board Secretary on January 31, 2009; and

WHEREAS, Jason W. Boyd has assisted the Lake County Planning Commission and its staff with his extensive knowledge, exemplary service and attitude in numerous planning and community development efforts at the regional, county, municipal, and township levels furthering the importance of comprehensive planning ; and

WHEREAS, Jason W. Boyd has endeavored to serve the Lake County Planning Commission by giving great regard to the concerns of the public, members of the Planning Commission, and staff on any given issue and has shown patience and understanding in the execution of these duties; and

WHEREAS, Jason W. Boyd has served as Chairman of the Lake County Coastal Plan Committee since 2007, as a member of the Laketrans Board of Trustees from 2005 to 2012, and, in 2010, assumed additional administrative duties for the Lake County Neighborhood Stabilization and the Community Development Block Grant Programs; and

WHEREAS, Jason W. Boyd co-authored the Lake County Coastal Development Comprehensive Plan, comprehensive plans for the Village of Fairport Harbor, and the Townships of Leroy, Painesville, and Madison and the City of Eastlake, City of Mentor and Madison Village; and

NOW, THEREFORE BE IT RESOLVED, that Jason W. Boyd has served the Lake County Planning Commission honorably and wholeheartedly and that he will be leaving on August 6, 2012 to serve the Board of Lake County Commissioners as County Administrator.

BE IT FURTHER RESOLVED, that Jason W. Boyd be acknowledged for his faithful service and concern for his community and county. Thereby, this resolution signifies the appreciation of the Planning Commission members and their desire for his future success in his continuing endeavors.

ADOPTED this 31st day of July 2012.

The resolution was signed by Geraldine F. Hausch, Chair; Randy H. Zondag, Vice-Chair; Stephen J. Adams; Timothy C. Brotzman; Vanessa T. Pessec; Russell D. Schaedlich; Richard J. Morse Walter R. Siegel; and Commissioners Robert E. Aufuldish; Raymond E. Sines; and Daniel P. Troy

PUBLIC COMMENT

There was no comment from the public.

ADJOURNMENT

Mr. Siegel moved and Mr. Brotzman seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 5:30 p.m.